

REFERENCE TITLE: **community notification; juveniles**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2372**

Introduced by  
Representative Hershberger

**AN ACT**

**AMENDING SECTIONS 13-3825 AND 13-3826, ARIZONA REVISED STATUTES; RELATING TO  
SEX OFFENDER REGISTRATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3825, Arizona Revised Statutes, is amended to  
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted is  
6 released from confinement or who was accepted under the interstate compact  
7 for the supervision of parolees and probationers and has arrived in this  
8 state, the agency that had custody or responsibility for supervision of the  
9 person who was convicted of committing an offense for which the person was  
10 required or ordered by the court to register pursuant to section 13-3821 or  
11 that has accepted supervision under the interstate compact for the  
12 supervision of parolees and probationers shall provide all of the following  
13 information to the department of public safety by entering all of the  
14 following information into the sex offender profile and notification  
15 database:

- 16 1. The offender's identifying information.
- 17 2. A risk assessment of the offender.
- 18 3. The offender's date of release from confinement or, if the offender  
19 is sentenced to probation without jail time, the date the sentence is  
20 imposed.

21 B. Following the tenth day after the person is released from  
22 confinement or, if the offender is sentenced to probation without jail time,  
23 the date the sentence is imposed, the department of public safety shall  
24 cross-reference the information the department receives pursuant to  
25 subsection A of this section with the sex offender registry to determine if  
26 the person is registered as required or ordered by the court pursuant to  
27 section 13-3821. If the person is not registered, the local law enforcement  
28 agency or the department of public safety shall request that the county  
29 attorney in the county in which the person was convicted petition the court  
30 for an arrest warrant to be issued and, if appropriate, notify the interstate  
31 compact administrator for this state. If the person is registered, the  
32 department of public safety shall forward the information the department  
33 received pursuant to subsection A of this section to the sheriff in the  
34 county where the person is registered.

35 C. After receiving the information pursuant to subsection B of this  
36 section, the sheriff shall forward the information to the chief law  
37 enforcement officer of the community in which the person resides. After  
38 reviewing the information received and any other information available to the  
39 local law enforcement agency, the local law enforcement agency shall  
40 categorize each offender and place each offender into a notification level.  
41 Within forty-five days, the local law enforcement agency shall notify the  
42 community of the offender's presence in the community pursuant to the  
43 guidelines established by the community notification guidelines  
44 committee. If the community does not have a chief law enforcement officer,  
45 the sheriff shall perform the duties of the local law enforcement agency.

1 D. If a person who has been convicted of an offense in another state  
2 registers pursuant to section 13-3821, subsection A, the sheriff in the  
3 county in which the person registers shall forward the information to the  
4 chief law enforcement officer of the community in which the person resides.  
5 The chief law enforcement officer shall contact the state in which the person  
6 was convicted and shall obtain information regarding the person. After  
7 reviewing the information received and any other information available, the  
8 local law enforcement agency shall complete the risk assessment, shall  
9 categorize the person, shall place the person into a notification level and  
10 shall enter the information into the computer system. If the law enforcement  
11 agency is unable to obtain sufficient information to complete the sex  
12 offender community notification risk assessment, the agency shall categorize  
13 the offender as a level two offender. Within forty-five days, the local law  
14 enforcement agency shall notify the community of the person's presence in the  
15 community pursuant to the guidelines established by the community  
16 notification guidelines committee. If the community does not have a chief  
17 law enforcement officer, the sheriff shall perform the duties of the local  
18 law enforcement agency.

19 E. On receiving notice pursuant to section 13-3822 that a person who  
20 is required to register has moved from the person's address, the chief law  
21 enforcement officer of the community to which the person has relocated may  
22 notify that community of the person's relocation to the community, pursuant  
23 to subsection C of this section. If the community does not have a local law  
24 enforcement agency, the sheriff of the county to which the person has  
25 relocated shall notify the community of the person's relocation.

26 F. In cooperation with the county probation department or the state  
27 department of corrections, a law enforcement agency may delegate all or part  
28 of the notification process for offenders on community supervision to the  
29 county probation department or to the state department of corrections, as  
30 appropriate.

31 G. Information concerning a person who is required to register  
32 pursuant to section 13-3821, ~~and~~ who is subject to the provisions of  
33 community notification and who is a student at a public or private  
34 institution of postsecondary education or who is employed or carries on a  
35 vocation, with or without compensation, at a public or private institution of  
36 postsecondary education shall be promptly made available by the county  
37 sheriff to the law enforcement agency having jurisdiction for performing  
38 community notification pursuant to guidelines adopted under section 13-3826.  
39 The law enforcement agency shall notify the institution's administration and  
40 shall complete appropriate campus notification pursuant to guidelines adopted  
41 under section 13-3826.

42 H. This section does not prohibit law enforcement officers from giving  
43 a community notice of any circumstances or persons that pose a danger to the  
44 community under circumstances that are not provided for under this section.

1 I. Except as provided in ~~subsection~~ SUBSECTIONS J AND K of this  
2 section, this section applies to all persons who are subject to the  
3 registration requirements in section 13-3821 whether or not the person was  
4 convicted before or after June 1, 1996.

5 J. This section does not apply to persons WHO ARE subject to the  
6 registration requirements in section 13-3821 as a result of offenses  
7 adjudicated by a juvenile court unless ordered by the court.

8 K. THE PROVISIONS OF THIS SECTION ARE SUSPENDED DURING ANY TIME THAT A  
9 JUVENILE WHO IS CLASSIFIED AS A LEVEL TWO OFFENDER IS PLACED IN A COMMUNITY  
10 SEX OFFENDER TREATMENT PROGRAM AND THE JUVENILE IS PROHIBITED FROM LEAVING  
11 THE TREATMENT PROGRAM UNSUPERVISED.

12 ~~K.~~ L. Notwithstanding subsections B and C of this section, the agency  
13 that had custody or responsibility for supervision of an offender or the  
14 court that sentenced the offender who was convicted of committing an offense  
15 that subjects the offender to the registration requirements of section  
16 13-3821 and who committed the offense before June 1, 1996 may conduct a risk  
17 assessment for the offender as existing resources are available pursuant to  
18 guidelines adopted by the community notification guidelines committee  
19 pursuant to section 13-3826. Community notification pursuant to this section  
20 and sex offender web site notification pursuant to section 13-3827 shall only  
21 be conducted after the risk assessment is complete.

22 Sec. 2. Section 13-3826, Arizona Revised Statutes, is amended to read:  
23 13-3826. Community notification guidelines committee; members;  
24 duties; definition

25 A. The community notification guidelines committee is established  
26 consisting of the following members:

27 1. A member of the senate who is appointed by the president of the  
28 senate to serve as cochairperson of the committee.

29 2. A member of the house of representatives who is appointed by the  
30 speaker of the house of representatives to serve as cochairperson of the  
31 committee.

32 3. The attorney general or the attorney general's designee.

33 4. The chairman of the senate judiciary committee or its successor  
34 committee, who serves as an advisory member.

35 5. A member of the minority party in the senate who is appointed by  
36 the president of the senate and who serves as an advisory member.

37 6. The chairman of the house of representatives judiciary committee or  
38 its successor committee, who serves as an advisory member.

39 7. A member of the minority party in the house of representatives who  
40 is appointed by the speaker of the house of representatives and who serves as  
41 an advisory member.

42 8. Two sheriffs or their designees who are appointed by the president  
43 of the Arizona county attorneys and sheriffs association, one of whom  
44 represents a county with a population of more than four hundred thousand  
45 persons according to the most recent United States decennial census and one

1 of whom represents a county with a population of four hundred thousand  
2 persons or less according to the most recent United States decennial census.

3 9. Two chiefs of police or their designees who are appointed by the  
4 president of the Arizona association of chiefs of police, one of whom  
5 represents a city or town in a county with a population of more than four  
6 hundred thousand persons according to the most recent United States decennial  
7 census and one of whom represents a city or town in a county with a  
8 population of four hundred thousand persons or less according to the most  
9 recent United States decennial census.

10 10. Two county attorneys or their designees who are appointed by the  
11 chairman of the Arizona prosecuting attorneys' advisory council, one of whom  
12 represents a county with a population of more than four hundred thousand  
13 persons according to the most recent United States decennial census and one  
14 of whom represents a county with a population of four hundred thousand  
15 persons or less according to the most recent United States decennial census.

16 11. Two county adult probation officers or their designees who are  
17 appointed by the chief justice of the supreme court, one of whom represents a  
18 county with a population of more than four hundred thousand persons according  
19 to the most recent United States decennial census and one of whom represents  
20 a county with a population of four hundred thousand persons or less according  
21 to the most recent United States decennial census.

22 12. One state adult parole administrator or the administrator's  
23 designee who is appointed by the governor.

24 13. The director of the department of public safety or the director's  
25 designee.

26 14. The director of the department of transportation or the director's  
27 designee.

28 15. One person who is licensed under title 32, chapter 19.1 and who is  
29 appointed by the state board of psychologist examiners.

30 16. One representative of a public defender's office who is recommended  
31 by an association of public defenders and who is appointed by the speaker of  
32 the house of representatives.

33 17. One advocate or community restitution provider who is appointed by  
34 the president of the senate.

35 18. Two public members, one of whom is appointed by the president of  
36 the senate and one of whom is appointed by the speaker of the house of  
37 representatives.

38 B. Appointed members serve two year terms.

39 C. The members shall meet at a time and place set by the  
40 cochairpersons.

41 D. Members of the committee are not eligible to receive compensation  
42 but are eligible for reimbursement of expenses pursuant to title 38, chapter  
43 4, article 2.

44 E. The committee shall:

1           1. Adopt community notification guidelines. The committee shall  
2 monitor the implementation of the community notification guidelines that the  
3 committee adopts. The guidelines shall provide for levels of notification  
4 based on the risk that a particular sex offender poses to the community. The  
5 notification requirements are as follows:

6           (a) For level two and level three offenders, the notification shall be  
7 made to the surrounding neighborhood, area schools, appropriate community  
8 groups and prospective employers. The notification shall include a flyer  
9 with a photograph and exact address of the offender as well as a summary of  
10 the offender's status and criminal background. A press release and a level  
11 two or level three flyer shall be given to the local electronic and print  
12 media to enable information to be placed in a local publication.

13           (b) For level one offenders, the local law enforcement agency that is  
14 responsible for notification shall maintain information about the offender.  
15 The local law enforcement agency may disseminate this information to other  
16 law enforcement agencies and may give notification to the people with whom  
17 the offender resides.

18           (c) **NOTWITHSTANDING SUBDIVISION (a) OF THIS PARAGRAPH, FOR LEVEL TWO**  
19 **JUVENILE OFFENDERS, THE NOTIFICATION REQUIREMENT IS SUSPENDED DURING ANY**  
20 **PERIOD OF TIME IN WHICH THE JUVENILE OFFENDER IS PLACED IN A COMMUNITY SEX**  
21 **OFFENDER TREATMENT PROGRAM AND IS PROHIBITED FROM LEAVING THE TREATMENT**  
22 **PROGRAM WITHOUT SUPERVISION.**

23           2. Develop and recommend a process for a sex offender to request a  
24 notification level review and for the court to determine if a sex offender  
25 notification level may be reduced or the offender is no longer required to  
26 register. The committee shall submit a report of its recommendation to the  
27 governor, the president of the senate and the speaker of the house of  
28 representatives on or before December 15, 2004 and shall provide a copy of  
29 this report to the secretary of state and the director of the Arizona state  
30 library, archives and public records.

31           3. Study whether there is uniform and consistent application of the  
32 community notification guidelines on a statewide basis, including whether  
33 offenders who pose similar risks are assigned similar notification levels in  
34 different jurisdictions.

35           F. The committee shall adopt guidelines regarding how community  
36 notification pursuant to section 13-3825, subsection ~~R~~ L should be  
37 conducted, including whether community notification should occur. The  
38 guidelines should provide for flexibility based on resources and the  
39 availability of records. The committee may adopt procedures that allow  
40 offenders required to register to not be classified if necessary records are  
41 not reasonably available.

42           G. For the purposes of this section, "advisory member" means a member  
43 who advises other committee members during meetings but who is ineligible to  
44 vote and who is not a member for the purposes of determining if a quorum is  
45 present.